

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEBRASKA  
OMAHA DIVISION

In re:

Robert Lee Pelshaw,

Debtor.

Case No. 10-80982-TJM

Chapter 11

**STIPULATED ORDER ON MOTION FOR  
RELIEF FROM AUTOMATIC STAY**

Based upon the Stipulation of Mutual of Omaha Bank, ("Secured Creditor"), and Debtors, by and through their respective counsel, **IT IS HEREBY ORDERED:**

1. This Order affects the real property commonly known as: **1236 Cork Drive, Papillion, NE 68046.**
2. Commencing 01/10/2011 , Debtors shall make regular monthly post-petition payments under the Note and Deed of Trust to Secured Creditor, and continuing on the first day of each month thereafter pursuant to the terms of the Note and Deed of Trust.
3. Payments shall be made directly to Secured Creditor, at Dovenmuehle Mortgage, Inc. 1 Corporate Drive, Suite 360, Lake Zurich, IL 60047-8924, with reference to the last four digits of the Loan Number 4803, or as otherwise directed.

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Stipulated Order on Motion for Relief from Stay - 1  
MH #NE-10-33280

**McCarthy & Holthus, LLP**  
1770 Fourth Avenue  
San Diego, CA 92101  
Phone: (619) 243-3921

4. Commencing 02/20/2011, and continuing thereafter on the twentieth day of each month through and including 07/20/2011, Debtors shall make an additional payment each month to Secured Creditor in the amount of \$3,061.76, until current on post-petition payments, fees, and costs. The post-petition delinquency owed to Secured Creditor is \$18,370.56, itemized as follows:

Post-Petition Delinquencies:

Payments (05/01/10 – 12/01/10)	8	At	2,091.73	\$16,733.84
Late Charges (05/16/10 – 12/16/10)	8	At	104.59	\$ 836.72
Bankruptcy Fees & Costs:				\$800.00
<b>Total Post-Petition</b>				<b>\$18,370.56</b>

**Delinquencies:**

5. Debtors shall timely perform all other obligations under Secured Creditor's Note and Deed of Trust as they come due, including but not limited to the payment of real estate taxes, maintaining insurance coverage, and paying any and all senior liens.
6. In the event Debtors fail to timely perform any of the obligations set forth in this Order, Secured Creditor shall notify Debtors and Debtors' counsel of the default in writing. Debtors shall have ten (10) calendar days from the date of the written notification to cure the default, plus pay an additional \$100.00 for attorneys' fees.
7. If Debtors fail to timely cure the default, Secured Creditor shall be entitled to file a Declaration of Default and an Order Terminating the Automatic Stay. The Order shall be entered without further notice or hearing. The automatic stay shall be immediately terminated and extinguished for all purposes as to Secured Creditor and its successors and/or assigns. Secured Creditor and its successors and/or assigns may proceed with and foreclose

on the Property, pursuant to applicable state law. Secured Creditor may commence any action necessary to obtain complete possession of the subject Property, including unlawful detainer, if required.

8. If Debtors default on the obligations set forth herein on more than three (3) occasions, Secured Creditor shall be entitled to file a Declaration of Default and an Order Terminating the Automatic Stay. The Order shall be entered without further notice or hearing. The automatic stay shall be immediately terminated and extinguished for all purposes as to Secured Creditor and its successors and/or assigns. Secured Creditor and its successors and/or assigns may proceed with foreclosure on the Property, pursuant to applicable state law. Secured Creditor may commence any action necessary to obtain complete possession of the subject Property, including unlawful detainer, if required.
9. If this case is converted to another Chapter, or if the automatic stay is terminated as provided herein, or if the automatic stay is terminated as a matter of law, the repayment terms of this Order shall immediately cease in effect and become null and void.

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10. Secured Creditor's Proof of Claim in the amount of \$2,391.73 is due, owing and allowed in full.

11. The fourteen day stay described in Bankruptcy Rule 4001(a)(3) is waived upon relief.

Dated: 12/16/2010

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Hon. Timothy J. Mahoney  
United States Bankruptcy Court Judge

Stipulated and Submitted by:

/s/Kristin A. Zilberstein  
Kristin A. Zilberstein, Esq.,  
Attorney for Mutual of Omaha Bank

1/13/2011  
Date

/s/Howard T. Duncan  
Howard T. Duncan,  
Attorney for Debtors

1/11/2011  
Date

/s/Robert Lee Pelshaw  
Robert Lee Pelshaw,  
Debtor

                      
Date

**CERTIFICATE OF SERVICE**

On 1/13/2011, I served the foregoing documents **STIPULATED ORDER ON MOTION FOR RELIEF FROM AUTOMATIC STAY** described as on the following individuals by electronic means through the Court's ECF program

COUNSEL FOR DEBTOR  
Howard T. Duncan  
cathy@hduncanlaw.com

First Westroads Bank c/o Mark James LaPuzza  
mjlbr@pheblaw.com

Mutual of Omaha Bank c/o Andrew J. Whealy  
andrew.whealy@kutakrock.com

Nebraska Department of Labor, Catherine D. Lang, Commissioner of Labor c/o Thomas A. Ukinski  
thomas.ukinski@nebraska.gov

Pelstar Development, LLC c/o Brian J. Koenig  
brian.koenig@koleyjessen.com

Pelstar Development, LLC c/o Donald L. Swanson  
don.swanson@koleyjessen.com

Centennial Bank c/o Steven J. Woolley  
stevewoolley@mgwl.com

**I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.**

/s/ Lucian Perta

On 1/13/2011, I served the foregoing documents described as **STIPULATED ORDER ON MOTION FOR RELIEF FROM AUTOMATIC STAY** on the following individuals by depositing true copies thereof in the United States mail at San Diego, California, enclosed in a sealed envelope, with postage paid, addressed as follows:

DEBTOR  
Robert Lee Pelshaw  
PO Box 461059  
Papillion, NE 68046

UNITED STATES TRUSTEE  
111 So 18th Plz Suite 1148  
Omaha, NE 68102

1	
2	Mutual Of Omaha Bank
3	3333 Farnam St.
4	Omaha,, NE 68131
5	
6	Cornhusker Bank
7	PO Box 80009
8	Lincoln,, NE 68501
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10	Lyons State Bank
11	101 E Main St.
12	Lyons,, KS 67554
13	
14	Southern Bank
15	302 Washington St.
16	Doniphan,, MO 63935
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18	Uinta County Bank
19	695 Parkway Dr.
20	Mountain View, WY 82939
21	
22	Omaha Neon Co.c/o C2C Systems
23	56 perimeter Center East #100
24	Atlanta,, GA 30346
25	
26	First Westroads Bank
27	PO Box 241259
28	Omaha,, NE 68124
29	
30	Sam Murante
31	2411 O St. #1
32	Omaha,, NE 68107
33	
34	Centennial Bank
35	9003 S 145th St.
36	Omaha,, NE 68138
37	
38	US Bank
39	222 S 72nd St.
40	Omaha,, NE 68114
41	
42	Steve Willey
43	5935 S 132nd St.
44	Omaha,, NE 68137
45	
46	Banker's Trust
47	10250 Regency Circle #115
48	Omaha,, NE 68114
49	
50	Charter West National Bank
51	c/o Jeffrey A. Silver
52	10805 Old Mill Road
53	Omaha, NE 68154
54	

1 I declare under penalty of perjury under the laws of the United States of America that the foregoing  
2 is true and correct.

3 /s/ David Fry  
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